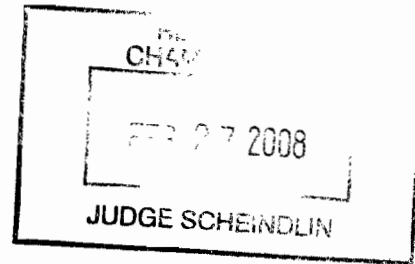


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

This document relates to:

Basso, et al. v. Sunoco, Inc., et al., 03 Civ. 9050
Tonneson, et al. v. Sunoco, Inc., et al., 03 Civ. 8248



Master File No. 1:00 – 1898

MDL 1358 (SAS)

MDL 1358 SDNY

DOCUMENT

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DOC #:

DATE FILED: 2/27/08

**STIPULATION AND ~~PROPOSED~~ ORDER
DISMISSING MEDICAL MONITORING AND
GENERAL BUSINESS LAW SECTION 349 CLAIMS**

Pursuant to the stipulated agreement of counsel, and subject to the approval and entry as
an Order by the Court:

1. The *Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050 ("Basso") Plaintiffs'

Fourteenth Cause of Action (Medical Monitoring) against Defendants Sunoco, Inc., Sunoco, Inc.

(R&M) and Exxon Mobil Corporation (collectively, "Defendants"), which is set forth at

Paragraphs 143-151 of their Complaint filed on or about November 17, 2003 (the "*Basso*

Complaint"), is hereby dismissed with prejudice;

2. The *Tonneson, et al. v. Sunoco, Inc., et al.*, 03 Civ. 8248 ("*Tonneson*") Plaintiffs'

claims against Defendants for medical monitoring damages, which are set forth, *inter alia*, at

Paragraph 54 of their Complaint filed on or about October 17, 2003 (the "*Tonneson* Complaint"),

are hereby dismissed with prejudice;

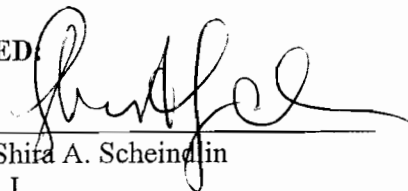
3. The *Tonneson* and *Basso* Plaintiffs' Seventh Causes of Action (New York

General Business Law Section 349 -- Unfair Competition) against Defendants, which are set

forth at Paragraphs 96-103 of the *Tonneson* Complaint and Paragraphs 95-102 of the *Basso* Complaint, respectively, are hereby dismissed with prejudice; and

4. Third-Party Defendant Town of Highlands' (the "Town") Eighth Counterclaim (Violation of Section 349 of the New York State General Business Law) against Third-Party Plaintiffs Sunoco, Inc. and Sunoco, Inc. (R&M), which is set forth at Paragraphs 42-49 of the Town's Amended Answer with Counterclaims filed on or about August 27, 2007, is hereby dismissed with prejudice.

SO ORDERED:



Hon. Shira A. Scheindlin
U.S.D.J.

Dated: Feb 27, 2008

STIPULATED AND AGREED:

By: 

BEVERIDGE & DIAMOND, P.C.
*Attorneys for Defendants Sunoco, Inc. and
Sunoco, Inc. (R&M)*

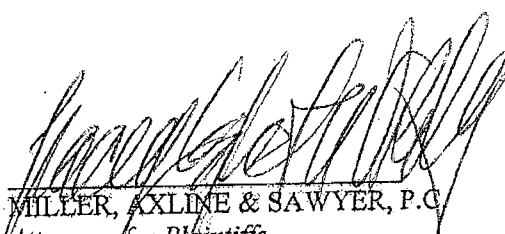
Dated: 2/20/08

By: 

McDERMOTT WILL & EMERY LLP
*Attorneys for Defendant Exxon Mobil
Corporation*

Dated: 2/14/08


By:


MILLER, AXLINE & SAWYER, P.C.
Attorneys for Plaintiffs

Dated:

FEB. 25, 2008

By:


THE SARCONI LAW FIRM, PLLC
Attorneys for Plaintiffs

Dated:

2-19-08

By:

HELLER, HOROWITZ & FEIT, P.C.
*Attorneys for Plaintiff and Third-Party
Defendant Town of Highlands*

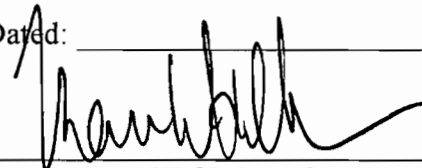
Dated: _____

By: MILLER, AXLINE & SAWYER, P.C.
Attorneys for Plaintiffs

Dated: _____

By: THE SARCONI LAW FIRM, PLLC
Attorneys for Plaintiffs

Dated: _____



By: HELLER, HOROWITZ & FEIT, P.C.
*Attorneys for Plaintiff and Third-Party
Defendant Town of Highlands*

Dated: 2/13/08

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